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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/645,822	08/22/2003	Nickolai Alexandrov	2750-1571P

002292  
 BIRCH STEWART KOLASCH & BIRCH  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 7309

## FORMALITIES LETTER



\*OC000000013812761\*

Date Mailed: 09/16/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The specification contains drawings or flow diagrams (37 CFR 1.58(a)) on page(s) 229,231. Drawings or flow diagrams cannot be embedded in the specification and should be submitted separately in accordance with 37 CFR 1.84. (Both a substitute specification and substitute drawings are required).
  - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic

reproduction by use of digital imaging and optical character recognition. Pages 137,154,193,229,258,289,320,322,353,382,384,415,508,509,512,-515,540,543,545,546,571,574577,605,607,608,609,611,630,632,633,636,638,639,642,663,66-763,785,788,791,794,819,822,825,849,850,853,856,880,881,884-887,912,915,918 are not in compliance with 37 CFR 1.52(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

#### **SUMMARY OF FEES DUE:**


Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



- ☒ Petition for five (5) month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). Please charge Deposit Account No. 50-1055.
- ☒ The extension of time fee is submitted with the accompanying response to the Notice to File Missing Parts.
- ☒ This response contains three (3) CDRs. One CD as the CRF copy of the Sequence Listing, two CDs as the paper copy of the Sequence Listing. The entire contents of which are hereby incorporated by reference. Each CDR contains the following file:

File Name	Create Date	File Size
2005-04-18 2750-1571P.ST25.txt	2005-04-13	203 MB

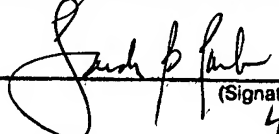
In the event that Deposit Account No. 50-1055 has insufficient funds, the Commissioner is hereby authorized in this reply to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

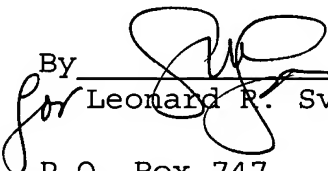
hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: 4/18/05  
(Date of Deposit)

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

BIRCH, STEWART, KOLASCH & BIRCH, LLP

  
(Signature)  
4/18/05  
(Date of Signature)

By  #47,604  
for Leonard R. Svensson, #30,330  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

LRS/SWG/psq  
2750-1571P

Attachment



MS MISSING PARTS  
PATENT  
2750-1571P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: N. ALEXANDROV et al. Conf.: 7309  
Appl. No.: 10/645,822 Group: UNASSIGNED  
Filed: August 22, 2003 Examiner: UNASSIGNED  
For: SEQUENCE DETERMINED DNA FRAGMENTS AND  
CORRESPONDING POLYPEPTIDES ENCODED  
THEREBY

**THIS IS NOT A NEW PATENT APPLICATION**

LETTER SUBMITTING DOCUMENTS  
FOR COMPLETION OF AN APPLICATION  
PURSUANT TO 37 C.F.R. § 1.53(f) and/or § 1.53(d)

**MS MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 18, 2005

Sir:

The application papers for the above-identified application were originally filed on August 22, 2003 and the application was assigned Appl. No. 10/645,822.

**DOCUMENTATION**

- ☒ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration of the inventor(s) (☐ original ☒ photocopy), necessary for completing the filing requirements in connection with the above-identified application.
- ☐ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration that was attached

to the specification at the time of execution. The attached specification is a true copy of the specification that was filed in the U.S. Patent and Trademark office on August 22, 2003, including any amendments thereto (if applicable) filed on even date therewith.

- ☒ The undersigned hereby declares that "Attorney Docket No. 2750-1571P " on page 1 of the attached inventors' Declaration, corresponds to Appl. No. 10/645,822, filed August 22, 2003, entitled "SEQUENCE DETERMINED DNA FRAGMENTS AND CORRESPONDING POLYPEPTIDES ENCODED THEREBY."
- ☒ Attached is a copy of the Notice to File Missing Parts of Nonprovisional Application.
- ☐ Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.
  - ☐ See the attached Translator's Verification; or
  - ☐ The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- ☒ Attached are seven (7) sheet(s) of drawings. Please substitute these corrected drawings for the corresponding seven (7) sheets of drawings on file in the above-identified application.
- ☐ Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- ☐ Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- ☒ Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.

- ☒ Sequence Listing - Sequence Listing on CD (3 CDRs are enclosed) \*\*Copy 1 and Copy 2 CDs submitted under 37 CFR § 1.52(e) that contain Sequence Listing the sequence listing and are identical. In addition, the sequence listing information recorded in computer readable form (CRF), required under 37 CFR section 1.821(e), is identical to that written on compact discs Copy 1 and Copy 2.
- ☒ Attached hereto are:      \* Petition Under 37 CFR § 1.47(a) with Exhibits A-I
- \* Declaration of Peter Mascia
- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Submitted concurrently herewith **under separate cover** for recording is an Assignment.

#### FEES

The Government Filing Surcharge(s) (37 C.F.R. § 1.16(e) and/or § 1.17(k)) and the basic Government Filing Fee(s) (37 C.F.R. § 1.16(a)-(d), if applicable) is/are attached hereto and calculated as follows:

- ☐ Basic Filing Fee(s): \$0.00 (37 C.F.R. § 1.16(a)-(d))
- ☒ The Government Filing Surcharge under 35 U.S.C. § 1.16(e) for late filing of filing fee, oath and/or declaration:
- ☒ Large Entity - \$130.00      ☐ Small Entity - \$ 65.00
- ☐ The Government Filing Surcharge under 37 C.F.R. § 1.17(i) for filing of translation of non-English Specification in the amount of \$130.00:
- ☐ was previously paid for concurrently with the filing of the application on .

☐ is attached hereto.

- ☐ Application Size Fee in the amount of \$0.00, calculated as follows: (for submission of Translation of Specification or Substitute Specification and Drawings)

			LARGE ENTITY	SMALL ENTITY
SHEETS OF SPEC & DWG	-100 =	0	0 x 250 =\$0	0 x 125 = \$0

- ☐ Additional claim fee(s) under 37 C.F.R. § 1.16(b)-(d) in the amount of \$0.00; which have been calculated as follows:

	CURRENT NUMBER OF CLAIMS		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATES	ADDITIONAL FEE
TOTAL		-	20	=	0	\$50 (large)	\$0.00
INDEPENDENT		-	3	=	0	\$200 (large)	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						\$360 (large)	\$0.00
						<b>TOTAL</b>	<b>\$0.00</b>

- ☐ No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of Nonprovisional Application. However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.
- ☒ Applicant hereby respectfully petitions for a five (5) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$2160.00 is to be charged to Deposit Account No. 50-1055.

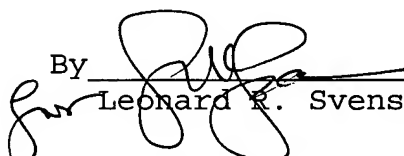


- ☐ Check(s) in the amount of \$0.00 to cover the basic filing fee(s), surcharge fee(s), additional claim fee(s), and any extension of time fee(s) (if applicable) is/are enclosed.
- ☒ Please charge Deposit Account No. 50-1055 in the amount of \$2,420.00.
- ☐ No fee(s) required.

In the event that Deposit Account No. 50-1055 has insufficient funds, the Commissioner is hereby authorized in this reply to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

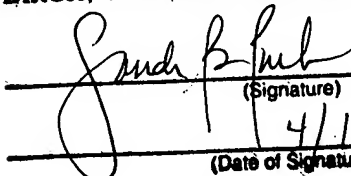
By  # 47,604  
\_\_\_\_\_  
Leonard R. Svensson, #30,330  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

LRS/SWG/sbp  
2750-1571P

Attachment(s)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: April 18, 2005  
(Date of Deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

\_\_\_\_\_  
(Signature)  
4/18/05  
(Date of Signature)